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February 29, 2012

Ms. Jill B. Polish
United States Probation Officer
Eastern District of New York
147 Pierrepont Street
Brooklyn, New York 11201-2712

Re: Anthony Calabro
11 Cr. 30 (KAM)

Dear Ms. Polish:

I represent defendant Anthony Calabro who is scheduled for sentencing on April 3, 2012. I received Mr. Calabro's Pre-sentence Report (PSR), have reviewed same with him and set forth below are my objections and comments:

Page 4 ¶5; Pages 6-8, ¶¶14, 15, 16, 17 and 18

We maintain that Mr. Calabro plead guilty to participating in a RICO conspiracy with others through his participation in Racketeering Act 3 (wire fraud) and Racketeering Act 24 sub acts A and B (an extortionate extension of credit conspiracy) of the underlying Indictment. However, we respectfully object to the activity attributed to Mr. Calabro on the above mentioned pages in the above mentioned paragraphs. Mr. Calabro has not been charged with these allegations.

Ms. Jill B. Polish
United States Probation Officer
February 29, 2012
Page 2

Pages 10 and 11 ¶¶ 28, 32 and 33

We maintain that Mr. Calabro plead guilty to participating in a RICO conspiracy with others through his participation in Racketeering Act 3 (wire fraud) and Racketeering Act 24 sub acts A and B (an extortionate extension of credit conspiracy) of the underlying Indictment. However, we respectfully object to the inclusion of the uncharged racketeering conduct in describing Mr. Calabro's participation in the RICO conspiracy.

Pages 12, 14 and 15 ¶¶ 39, 53-58, 59-64, 65, 68 & 69

We respectfully object to the Probation Department's determination that said previously mentioned allegations be used in computing his Offense Level. The Government and the defense agreed that the defendant's participation in the charged offense resulted in a Total Offense Level 23 (or in the alternative a Level 21 with the global disposition reduction applied). Mr. Calabro's sentence should be imposed in accordance with the estimated applicable Guideline Level of 23 (or in the alternative a Level 21 with the global disposition reduction applied), Criminal History Category I, which was agreed upon by The United States Attorney's Office and the Defense in the Plea Agreement, which carries a range of imprisonment of 37 to 46 months.

Pages 16 and 17; ¶¶ 76-81

We respectfully wish to clarify the events surrounding his arrest in 1996. Mr. Calabro did not receive a conditional discharge on his first Court appearance in July of 1996. He recalls being given a Court date in August to appear. He wrongfully neglected to appear in Court on that date in August and as a result a Bench Warrant was issued for his arrest. He was re-arrested and returned on the Bench Warrant in October of 1996. It was at that Court appearance that a disposition was reached. He plead and was Sentenced to 30 days in Custody.

We therefore respectfully object to the Probation Department's determination that Mr. Calabro committed the instant offense while on Conditional Discharge and therefore object to the 2 additional criminal history points being added as per Guideline §4A1.1(d).

Ms. Jill B. Polish
United States Probation Officer
February 29, 2012
Page 3

We maintain that Mr. Calabro's 1996 conviction results in 1 criminal history point and that his criminal history category is I.

Page 26; ¶111

Mr. Calabro has completed the Personal Financial Statement. The undersigned takes full responsibility for it not being previously provided. It is being supplied simultaneously with this letter.

Pages 26 and 27; ¶¶117 and 128

Mr. Calabro's sentence should be imposed in accordance with the estimated applicable Guideline level of 23, Criminal History Category I, which was agreed upon by The United States Attorney's Office and the Defense in the Plea Agreement, which carries a range of imprisonment of 46 to 57 months. Further the Court should adopt the 2-level global plea reduction, the total offense level would be 21, and the guideline imprisonment range would be 37 to 46 months.

Very truly yours,
Jean Marie Graziano
Jean Marie Graziano

cc: Allon Lifshitz
Assistant United States Attorney

Elizabeth Geddes
Assistant United States Attorney